



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

| | | | |
|-------------------------------------|----------------------|---|---|
| Age: 3 | | JORGE L. LOPEZ , Father of Jorge Eduardo Zaragoza, is Petitioner. | NEEDS/PROBLEMS/ COMMENTS: |
| | | | |
| | | MARIA DE JESUS ZARAGOZA GOMEZ , Maternal Aunt, was appointed Guardian of this minor and his three siblings on 4-16-12. | <u>This petition pertains to minor Jorge Eduardo Zaragoza only.</u> |
| | | | |
| Cont. from 040813, 051013 | | Mother: Juana Zaragoza Gomez - Deceased | <u>Minute Order 4-8-13:</u> Jorge Lopez and Maria Gomez are being assisted by Spanish language interpreters. Mr. Pulido objects to the petition on behalf of his client. Parties agree to participate in mediation on 4/23/13 at 10:00 a.m. |
| | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | Paternal Grandfather: Silvestre Lopez Carbajal Paternal Grandmother: Teodoza Vasquez Gerardo | <u>Note:</u> Pursuant to mediation agreement filed 4-25-13, this continued hearing was continued for additional time to exercise the agreement. Per Mediator, the parties checked in on 5-22-13 and confirmed that the agreement is being kept as is and no further mediation is scheduled. |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | Maternal Grandfather: Ricardo Zaragoza | 1. Need order for termination of guardianship (mandatory Judicial Council Form GC-260, unless the Court requests Order After Hearing with additional details). |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | Maternal Grandmother: Maria Gomez | <u>Note:</u> Attorney to prepare and submit the order for review by Examiner. |
| <input type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | Siblings: Ashley Lopez, Anthony Lopez, Cesar Zaragoza Gomez, Dassy Madrigal, Ashley Zaragoza | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | Petitioner states he is married with two children from said marriage. He seeks guardianship of Jorge Eduardo Zaragoza so that he can raise him in a family environment that will allow their relationship to continue. He will continue to provide support, education, medical services, and care for the minor. | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | Declaration filed 3-19-13 by Guardian Maria Zaragoza states the children whose mother is deceased, including Jorge Eduardo Zaragoza, have lived in her home for about five years, including with their mother when she was alive. The maternal grandmother also lives in the home. Jorge's father has not been in his life until recently. Prior to the mother passing away, Petitioner refused to recognize Jorge Eduardo Zaragoza as his child. On several occasions, Ms. Zaragoza tried to show him pictures of his son, but he refused to look. The minor does not want to live with his father and new family as he is not familiar with them and is not used to them. Jorge and his siblings recently lost their mother and now show signs of being terrified with the idea of losing each other. The older children have expressed fear that they will lose their brother Jorge since they became aware of this proceeding. The guardian states the minor does not need a new family setting as he already has one and is very happy with this stable family. | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input checked="" type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| <input type="checkbox"/> | | | |

SEE PAGE 2

Guardian states (Continued): The guardian is concerned that Petitioner wants to remove Jorge from the only family and home that he has ever known, and also change his name, and that if his father takes him away from his family now, it will make things worse, not better. The guardian states she tried to explain this to Petitioner, but he insisted that the minor needs to be with him. He does not appear to be concerned about what the minor wants or how he would feel if he were taken away from his family and siblings after the loss of his mother.

Guardian states that in her opinion, the Court should reduce the visitation, because the minor does not appear to be adjusting well. On or about 1-17-13, the parties had a four-way conference and at the meeting, the guardian realized that Petitioner is not focusing on the best interest of the child because he does not realize that the child does not want to leave his family.

Guardian states she would agree to revisit the visitation schedule as long as the minor shows signs of being accustomed to change and his new family. However, she is concerned about Petitioner permanently taking the child as he believes the child is young and will eventually get used to his new "real" family and forget how much he is used to his siblings he is now with. Petitioner does not care about the siblings, which is disturbing, because they care about their brother.

Guardian states she is concerned for the child every time he leaves, as he cries and hesitates to visit the father's home. The guardian asks the Court for the child to stay in her home and not be separated from his siblings.

Court Investigator Samantha Henson filed report on 3-29-13.

Update: Mediation Agreement filed 4-25-13 indicates that visitation will be allowed freely during the week and on weekends to create opportunities for the family to get to know each other, establish trust, and transition smoothly from the current guardian to the father. The father will maintain relationships established with the child's maternal siblings to ease possible stress caused by the transition. Further mediation check-in will be on 5-22-13. The parties agree to request continuance to allow 30 days to exercise this agreement.

Note: *Per the agreement, a Notice of Changed Calendar Setting was mailed to the parties reflecting a new continued hearing date of 6-6-13.*

Note: *Per mediator, parties checked in and agreement remains as of 5-22-13.*

Ashley Dyann Zaragoza, and Jorge Eduardo Zaragoza (GUARD/P)

Atty Fanucchi, Edward L. (for Jorge Luis Lopez – Father – Petitioner)

Atty Pulido, Reynaldo Carrillo (for Maria Zaragoza – Guardian)

Petition for Termination of Guardianship

Status Hearing Re: Mediation

| | | | |
|--------------------------|--|--|---|
| | | <p>MARIA DE JESUS ZARAGOZA GOMEZ, Maternal Aunt, was appointed Guardian of this minor and his three siblings on 4-16-12.</p> <p>JORGE L. LOPEZ, Father of Jorge Eduardo Zaragoza, petitioned to terminate the guardianship for minor Jorge Eduardo Zaragoza only.</p> <p>On 4-8-13, the parties agreed to mediation and the Court set further status hearing.</p> <p>Agreement filed 4-25-13 outlines visitation. Per mediator, parties checked in on 5-22-13 and confirmed the agreement.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>This petition pertains to minor Jorge Eduardo Zaragoza only.</u></p> |
| Cont. from 051013 | | | |
| Aff.Sub.Wit. | | | |
| Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | | | |
| Aff.Mail | | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| Order | | | |
| Aff. Posting | | <p>Reviewed by: skc</p> <p>Reviewed on: 6-3-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1B – Gomez, Madrigal & Zaragoza</p> | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |

(1) Petition for Settlement of First and Final Account and (2) Final Distribution, and
(3) for Order Fixing and Allowing Compensation for All Services Rendered

| | | | |
|-------------------------------------|--------------------------|--|---------------------------------|
| DOD: 4/27/2012 | | GLADYS AUTRY , Executor, is petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | Account period: 4/27/2012 – 4/9/2013 | |
| | | Accounting - \$71,142.22 | |
| Cont. from | | Beginning POH - \$70,000.00 | |
| <input type="checkbox"/> | Aff.Sub.Wit. | Ending POH - \$16,924.74 | |
| <input checked="" type="checkbox"/> | Verified | Executor (statutory) - \$1,600.00 | |
| <input checked="" type="checkbox"/> | Inventory | Executor x/o - \$150.00 (for sale of real property) | |
| <input checked="" type="checkbox"/> | PTC | Attorney (statutory) - \$1,600.00 | |
| <input checked="" type="checkbox"/> | Not.Cred. | Attorney x/o - \$370.50 (per itemization and declaration, 1.30 hours @ \$285.00 per hour for sale of real property) | |
| <input checked="" type="checkbox"/> | Notice of Hrg | Closing - \$500.00 | |
| <input checked="" type="checkbox"/> | Aff.Mail W/ | Distribution, pursuant to Decedent's Will, is to: | |
| | Aff.Pub. | Catherine G. Winzer- \$6,352.12 | |
| <input checked="" type="checkbox"/> | Sp.Ntc. W/ | Delores A. Howery - \$6,352.12 | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| <input checked="" type="checkbox"/> | Letters 10/3/2012 | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| <input checked="" type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| <input checked="" type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: KT |
| | | | Reviewed on: 6/3/2013 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 2 – Brassart |

Atty Mele, James J., of Mele Law Office (for Petitioner Larry Luna, Administrator)

(1) First and Final Account and Petition for Settlement of First and Final Account and (2) Final Distribution and (3) for Allowance of Compensation for Ordinary Services for Petitioner and Petitioner's Attorney

| | | | |
|-------------------------------------|----------------------|--|---|
| DOD: 8/1/2012 | | LARRY LUNA , spouse and Administrator, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: Note: Proposed order finds in Paragraph (7)A on page 7 that cash in the sum of \$39,714.32 is available for distribution to Petitioner. However, Petition states cash of \$37,407.14 is to be distributed to him, which latter figure appears to be the correct amount based upon the calculation of statutory fees. Proposed order has been interlineated to reflect that cash of \$37,407.14 is to be distributed to Petitioner. |
| | | | |
| | | | |
| | | | |
| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input checked="" type="checkbox"/> | Inventory | | |
| <input checked="" type="checkbox"/> | PTC | | |
| <input checked="" type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | W/ | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | 013013 | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| <input checked="" type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| <input checked="" type="checkbox"/> | FTB Notice | | |

| | |
|--|---|
| Account period: 8/1/2012 – 4/21/2013 Accounting - \$178,770.25 Beginning POH - \$178,770.25 Ending POH - \$178,770.25 (\$43,770.25 cash) Administrator - waives Attorney - \$6,363.11 (statutory) | Distribution pursuant to intestate succession is to: LARRY LUNA – real property and \$37,407.14 cash. |
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|----------------------------------|
| Reviewed by: LEG |
| Reviewed on: 6/3/13 |
| Updates: |
| Recommendation: SUBMITTED |
| File 3 – Luna |

Atty Knudson, David N. (for Petitioner Mary Jo Cardoza)

Atty Teixeira, J. Stanley (for Objector Michele Cardoza)

Petition to Determine Succession to Real Property (Prob. C. 13151)

| | | | |
|--|----------------------|---|--|
| DOD: 2/24/12 | | MARY JO CARDOZA , daughter, is petitioner. | NEEDS/PROBLEMS/COMMENTS: Continued from 3/28/2013. Minute order states the Court directs counsel to submit a joint document showing the chain of title and what it represents. As of 6/3/2013 no additional documents have been filed. |
| | | 40 days since DOD. | |
| | | No other proceedings. | |
| | | I & A - \$80,000.00 | |
| Cont. from 022113, 022813, 032813 | | Will dated 1/14/12 devises decedent's ½ interest in real property to Mary Jo Cardoza. | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| ✓ | Inventory | | |
| ✓ | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail | W/ | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| <p>Petitioner requests Court determination that Decedent's ½ interest in real property located in Selma California passes to her pursuant to Decedent's Will.</p> <p>Objections to Petition to Determine Succession filed by Michele Cardoza on 3/22/13. Objector states the real property identified in the petition (the Property) was and is subject to an agreement (the Agreement) between decedent, Emily Scharer and Mary Jo Cardoza, Joseph Cardoza, William Cardoza, Michael Cardoza and Objector.</p> <p>To understand the terms of the Agreement, reference is made to case no. 219958-6, the Estate of Mary Silva. Mary Silva died in 1977 and was the mother of Emily Scharer, and grandmother of Mary Jo Cardoza, Joseph Cardoza, William Cardoza, Michael Cardoza and Objector.</p> <p>The Last Will and Testament of Mary Silva devised her entire estate to her six grandchildren and made no provisions for her daughter, Emily Scharer.</p> <p>Included in her estate was an undivided ½ interest in the Property. During the course of the administration of the estate of Mary Silva, the Agreement was made between Emily Scharer, who held the other ½ interest in the Property, and the six grandchildren of Mary Silva, who were to receive Mary Silva's ½ interest in the Property.</p> <p>Please see additional page</p> | | | |
| | | | Reviewed by: KT Reviewed on: 6/3/13 Updates: Recommendation: File 4 - Scharer |

The material terms of the Agreement were that Emily Sharer would receive all income/profit from the Property during her life and, in exchange for the grandchildren foregoing any interest in the income/profit during her life, she would, upon her death, give the exempted portion of the real property contained in the legal description of the Property to her children equally. Thus, upon the death of Emily Scharer, the farmland and the portion surrounding and containing the residence would be merged and the ownership of the parcels would be held equally by the six grandchildren of Mary Silva.

The Agreement was prepared and executed by the law offices of Shepard, Shepard and Janian, and resulted in a Grant Deed being recorded with the County Recorder on 6/13/1978, whereby Emily Scharer was given a life estate in the Property.

As also part of the Agreement, final distribution of the estate of Mary Silva was entered on 10/23/1978. The decree distributes the Property to the six grandchildren without reference to the Agreement and the previously recorded Grant Deed.

Objector states she contacted the law offices of Shepard, Shepard and Janian about obtaining a copy of the Agreement. Objector was told that Mary Jo Cardoza obtained Emily Scharer's file and the office did not keep a copy.

Of the six grandchildren of Mary Silva who might attest to the existence of the Agreement, Objector states she is the only one able and willing to step forward; Margaret died in 2004, William died in 2005, Joseph has dementia, Michael, for whatever reason, has aligned himself with Mary Jo, and the interests of Mary Jo.

Objector states that while she is unable to produce the written Agreement, the written documents available provide evidence that the parties to the Agreement acted and performed according to the terms of the Agreement, save for Emily Scharer completing her performance as required.

Petition for Appointment of Probate Conservator of the Estate (Prob. C. 1820, 1821, 2680-2682)

| | | | | | | | | | | | | |
|-------------------------------------|----------------------|--|-------------------|---|--------------|---------------|---|--------------|-------|---|--------------|---|
| Age: 49 years | | <p>MICHAEL NEAL, brother, is petitioner and requests appointment of the Public Guardian as conservator of the person.</p> <p>Estimated value of the estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$102,170.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$450,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$552,107.00</td> </tr> </table> <p>Petitioner states Christopher Neal is missing and his whereabouts are unknown. He is currently believed to be a fugitive from the law possibly residing somewhere in South America. In the year 2012 he had four criminal cases filed against him in Sacramento County for felony charges, in addition to four misdemeanor charges. On 2/13/13 Christopher failed to appear at his preliminary hearing and has implied in e-mails to Petitioner that he may possibly be in Columbia or Ecuador.</p> <p>Christopher is a beneficiary of real and personal property held in a trust established by his late mother. The property will require attention, supervision and care. Transfer of the property directly to Christopher is impossible at this time, given the circumstances.</p> <p>Even if Christopher appears in or returns to California, he faces probable incarceration on the felony charges pending against him. He may also be addicted to and acting under the influence of illegal narcotics. He is substantially unable to manage his own financial resources, necessitating the appointment of a conservator for the proper management and protection of his real and personal property.</p> <p>Court Investigator Charlotte Bien's Report filed on 5/15/2013</p> | Personal property | - | \$102,170.00 | Real property | - | \$450,000.00 | Total | - | \$552,107.00 | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is for Conservatorship of a Missing Person.</p> <ol style="list-style-type: none"> #1a of the Petition is completed requesting appointment of the Public Guardian as conservator of the person. Based on the information in the petition it appears that the Petitioner is requesting appointment of the Public Guardian as conservator of the estate (item 1b petition which was not completed) Probate Code 1846(b) states the petition shall include that the missing person has not been heard from by the persons most likely to hear (naming them and their relationship to the missing person) since the time of the disappearance and that the whereabouts of the missing person is unknown to those persons and the petitioner. Probate Code 1846(d) states the petition shall include a description of any search or inquiry made concerning the whereabouts of the missing person. |
| Personal property | - | | \$102,170.00 | | | | | | | | | |
| Real property | - | | \$450,000.00 | | | | | | | | | |
| Total | - | | \$552,107.00 | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| Cont. from | | | | | | | | | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Verified | | | | | | | | | | | |
| <input type="checkbox"/> | Inventory | | | | | | | | | | | |
| <input type="checkbox"/> | PTC | | | | | | | | | | | |
| <input type="checkbox"/> | Not.Cred. | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | W/ | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Aff.Pub. | | | | | | | | | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | | | | | | | | | |
| <input type="checkbox"/> | Pers.Serv. | | | | | | | | | | | |
| <input type="checkbox"/> | Conf. Screen | | | | | | | | | | | |
| <input type="checkbox"/> | Letters | X | | | | | | | | | | |
| <input type="checkbox"/> | Duties/Supp | | | | | | | | | | | |
| <input type="checkbox"/> | Objections | | | | | | | | | | | |
| <input type="checkbox"/> | Video Receipt | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | CI Report | | | | | | | | | | | |
| <input type="checkbox"/> | 9202 | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Order | | | | | | | | | | | |
| <input type="checkbox"/> | Aff. Posting | | | | | | | | | | | |
| <input type="checkbox"/> | Status Rpt | | | | | | | | | | | |
| <input type="checkbox"/> | UCCJEA | | | | | | | | | | | |
| <input type="checkbox"/> | Citation | | | | | | | | | | | |
| <input type="checkbox"/> | FTB Notice | | | | | | | | | | | |

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|----------------------------|
| Reviewed by: KT |
| Reviewed on: 6/3/13 |
| Updates: |
| Recommendation: |
| File 5 – Neal |

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|------------|---------------|--|--|
| | | | NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Order Terminating Guardianship of the Estate and Settling the Final Account was signed on 4/24/12. |
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| | | | |
| Cont. from | | | |
| | Aff.Sub.Wit. | | |
| | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| | Notice of Hrg | | |
| | Aff.Mail | | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: KT Reviewed on: 6/3/13 Updates: Recommendation: File 6 – Murrin |

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|--------------------------|----------------------|--|--|
| Age: 15 years | | CYNTHIA DIANE PETERSON , mother, was appointed Guardian of the Estate on 1/25/08 with bond of \$85,000.00 and all funds held in blocked accounts. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | First Account was approved on 6/6/2011 showing property on hand of \$518,918.52. | 1. Need 2 nd account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
| | | | |
| Cont. from | | Minute Order dated 6/6/2011 set this status hearing for the filing of the 2 nd account. | |
| | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input type="checkbox"/> | Notice of Hrg | | |
| <input type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| <input type="checkbox"/> | | | |
| | | | Reviewed by: KT |
| | | | Reviewed on: 6/3/2013 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 7 – Murrin |

8 Enrique Lopez, Mariela Lopez, Hernan Lopez, & Trevor Castillo (GUARD/P)

Case No.11CEPR00759

Atty Cisneros, Reyna (Pro Per – Guardian – Maternal Grandmother)

Atty Castillo, Laura (Pro Per – Petitioner – Mother)

Petition for Termination of Guardianship

| | | |
|--------------------------------------|---|---|
| Enrique Lopez Age: 14 | LAURA CASTILLO, mother, is petitioner. | NEEDS/PROBLEMS/COMMENTS: Minute Order of 02/21/2013: The petitioner informs the Court that she is in a sober living house. The court investigator is ordered to conduct a further investigation of all the parties. Minute Order of 08/21/2012: the Petitioner is informed that terminating the guardianship would be premature at this time. The Court continues the matter to 02/21/2013 and orders that a Court Investigator conduct a further investigation in this matter before the next hearing. The following issues still remain: 1. #5 of the Petition for Termination of Guardianship is incomplete as to why it is in the best interest of the minor children that guardianship be terminated. The box marked reason stated in Attachment 5 is marked however Attachment 5 is not provided. 2. Need Notice of Hearing. 3. Need proof of service fifteen (15) days prior to the hearing on the following persons: <ul style="list-style-type: none">• Enrique Lopez Cibrian (Father)• Trevor Crain (Father)• Francisco Lopez (Paternal Grandfather)• Maria De La Luz Cibrian (Paternal Grandmother)• Lauriano Castillo (Maternal Grandfather)• Paternal Grandparents of Trevor Castillo (Unknown) |
| Mariela Lopez Age: 10 | REYNA CISNEROS, maternal grandmother, was appointed guardian on 10/27/2011, consents and waives notice. | |
| Hernan Lopez Age: 9 | Father: ENRIQUE LOPEZ CIBRIAN (of Enrique, Mariela and Hernan Lopez) | |
| Trevor Castillo Age: 2 | Paternal grandfather: Francisco Lopez Paternal grandmother: Maria De La Luz Cibrian Maternal grandfather: Lauriano Castillo | |
| Cont. from 082112, 022113 | Father: TREVOR CRAIN (of Trevor Castillo) | |
| Aff.Sub.Wit. | Paternal grandparents: Unknown Maternal grandfather: Lauriano Castillo | |
| ✓ Verified | Declaration filed by Laura Castillo on 05/24/2013 provides a letter from the Fresno County Probation Department stating that on 05/12/2012 Ms. Castillo was released from the California Department of Corrections and Rehabilitation and placed on Post Release Community Supervision until 07/12/2014. During a review of Ms. Castillo's file, it was determined that the case was eligible for closure. As of 02/19/2013, Ms. Castillo's case has been closed and she is no longer on Post Release Community Supervision. | |
| Inventory | Court Investigator Samantha D. Henson's report filed 08/14/2012. | |
| PTC | Court Investigator Samantha D. Henson's report filed 02/19/2013. | |
| Not.Cred. | Court Investigator Samantha D. Henson's report filed 05/30/2013. | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| ✓ CI Report | | |
| 9202 | | |
| ✓ Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| Reviewed by: LV | | |
| Reviewed on: 02/19/2013 | | |
| Updates: | | |
| Recommendation: | | |
| File 8 – Lopez & Castillo | | |

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | |
|--------------------------|----------------------|--|--|
| Jose age: 11 | | <u>TEMPORARY EXPIRES 6/6/2013</u> | NEEDS/PROBLEMS/COMMENTS: |
| Dominic age: 4 | | | |
| | | LINDA LOUISE PORTILLO , paternal grandmother, is petitioner. | Note: A competing petition for guardianship has been filed by the maternal grandparents, Rick Benton and Jackie Benton. Please see page 9B. |
| | | | |
| Cont. from 041013 | | Father: JOSE ALFREDO PORTILLO – personally served on 2/10/2013 | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | Mother: JENNIFER BENTON – personally served on 2/10/2013 | |
| | Inventory | | |
| | PTC | Paternal grandfather: Not listed (Joe Portillo) | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | Maternal grandfather: Rick Benton – personally served on 2/12/13. | 1. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence for: a. Joe Portillo (paternal grandfather) |
| | Aff.Mail | Maternal grandmother: Jackie Benton – personally served on 2/10/13. | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| ✓ | Pers.Serv. | W/ | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | Petitioner states her son, the boys' father, had been living in her home for the past 2 years. He has sole custody of the children. The children have already been through a lot with their parents before coming to petitioner's home. Petitioner states she does not want the children suffering the lifestyle their father chooses to live. | |
| | Video Receipt | | |
| ✓ | CI Report | Objections of Jennifer Benton, mother, filed on 3/29/13. Mother states she is requesting custody of her children back. She had been recovering from an accident where she was walking and was struck by a hit and run driver. Mom states she feels that the Petitioner is manipulating her son (Jose, Jr.) and trying to turn her children against her. | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| ✓ | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | Please see additional page | |
| | | | Reviewed by: KT |
| | | | Reviewed on: 6/3/13 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 9A - Portillo |

Objections of Jennifer Benton, mother (cont.): Since Petitioner was granted temporary guardianship Mom states she has not been able to see her children like she has been accustomed to (every other weekend Friday at 5:00 until Sunday after church) and holidays, school breaks and other times as agreed upon. Mom states she is working twice per week (sometimes more) at Dominic's preschool class. After the temporary was granted Mom states she called to see if she could have her regular visit. After several phone calls and several excuses, she was told that she was not going to have her visits anymore. The temporary guardian is only allowing visits supervised by her.

Mom states she has filed for custody of her children in the Family Court.

Objections of Rick Benton and Jackie Benton filed on 4/8/13 states they object to Linda Portillo having guardianship of Jose, Jr. and Dominic. They are in full support of the mother having custody of her children. Their daughter has been recovering from an accident where she was struck by a hit and run driver. The father has had custody for about 2 years, prior to that the children were living with their mother. While mom was in the hospital, in a coma, the father filed for custody of Jose Jr. Mom was unable to communicate or defend herself at the time. As for the Objectors, they state they stayed with mom at the hospital, day and night only coming home to shower and change their clothes. Their daughter has now made a full recovery and has filed for custody of her children. Objectors fear Linda Portillo is manipulating the children to stay with her.

Court Investigator JoAnn Morris' report filed on 4/4/13

Court Investigator JoAnn Morris' Report filed on 5/23/13

9B Jose & Dominic Portillo (GUARD/P)
 Atty Portillo, Linda Louise (pro per paternal grandmother)
 Atty Benton, Jennifer (pro per mother)
 Atty Benton, Rick Leaman Sr. (pro per Petitioner/maternal grandfather)
 Atty Benton, Jackie Eva (pro per Petitioner/maternal grandmother)

Case No. 13CEPR00101

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | |
|-------------------------------------|----------------------|---|---------------------------------|
| Jose age: 11 | | TEMPORARY granted to competing petitioner Linda Portillo EXPIRES 6/6/2013 RICK LEAMAN BENTON, Sr. and JACKIE EVA BENTON , maternal grandparents, are petitioners. Father: JOSE ALFREDO PORTILLO – personally served on 4/8/2013 Mother: JENNIFER BENTON – personally served on 4/8/2013 Paternal grandmother: Linda Portillo – personally served on 4/8/2013. Paternal grandfather: Not listed (Joe Portillo) – personally served on 4/8/2013. Petitioners state they are objecting to Linda Portillo having guardianship. They are in full support of the mother obtaining her parental custody back. The mother, who has been recovering from a hit and run accident, is available and ready to take care of her children. Court Investigator Joann Morris' Report filed on 5/23/13 | NEEDS/PROBLEMS/COMMENTS: |
| Dominic age: 4 | | | |
| | | | |
| | | | |
| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input checked="" type="checkbox"/> | Pers.Serv. W/ | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | |
| <input checked="" type="checkbox"/> | Letters | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input checked="" type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input checked="" type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |

| |
|------------------------------|
| Reviewed by: KT |
| Reviewed on: 6/3/2013 |
| Updates: |
| Recommendation: |
| File 9B – Portillo |

9B

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | |
|---|---|---|---------------------------------|
| Allias Age: 15 yrs | | TEMP EXPIRES 6-6-13 | NEEDS/PROBLEMS/COMMENTS: |
| Blakki Age: 1 ½ yrs | | | |
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| | | | |
| | | | |
| Aff.Sub.Wit. | | <p>MELVA D. PALMS, family friend, is Petitioner.</p> <p>Father (Allias): THEODOR YANCY</p> <p>Father (Blakki): BLAKKI HALL, SR.</p> <p>Mother: ASHANTI R. JACKSON - Objection filed 4-9-13 - Appeared at hearing 4-16-13.</p> <p>Minor Allias Yancy consents and waives notice.</p> <p>Paternal grandparents of Allias: <i>Not listed</i> Paternal grandparents of Blakki: <i>Not listed</i></p> <p>Maternal grandfather: Danny Jackson Maternal grandmother: Lorea Julian</p> <p>Petitioner states mother was recently released from Chowchilla State Prison for stabbing Blakki Hall, Sr., for the second time, and the mother plans on reuniting with him. The oldest child is afraid as he is not sure what will happen to him and his younger brother (Blakki Jr.), and he wants no contact with Blakki, Sr. Petitioner is a long-time family friend of the children's mother, the children know her as their aunt, and she has been with them through many episodes and has always been reliable to the children. The children have lived in her home for two years and Allias' grades have dramatically improved in the two years he has lived with her. The mother has no home for the children now, she is fighting to get back her 4 other children, and does not have a bond with the children since she has been in prison; the mother has no means without the children's welfare money. Petitioner states the mother tried to pick up the children on 4/2/2013 and the oldest child refused to go and trashed his room when the mother refused to leave without him. Petitioner's husband calmed the child down and he was O.K. once he didn't have to leave home. Both children are emotionally damaged and traumatized by the mother and Mr. Hall.</p> | |
| <input checked="" type="checkbox"/> Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | X | | |
| Aff.Mail | X | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | X | | |
| <input checked="" type="checkbox"/> Conf. Screen | | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Continuance is needed to receive DSS Report per Probate Code §1513(a).</p> <p>Minute Order 4-16-13 (Temp): Mother objects to the petition. Mother provides contact information for each father. The Court finds that removing the children from their stable home with the guardian would not be in their best interest at this time. The Court extends the temporary to 6/6/13. The General Hearing remains set for 6/6/13. The Court notes for the record that prior to the conclusion of today's hearing, mother refused to participate in mediation and stormed out of the courtroom. Temporary extended to 6/6/13.</p> <ol style="list-style-type: none"> Need DSS Report. Need Child Information Attachment for Blakki Hall, Jr. Need Notice of Hearing. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: - Theodor Yancy (Father Allias) - Blakki Hall, Sr. (Father Blakki) - Ashanti R. Jackson (Mother) Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: - Paternal grandparents of Allias - Paternal grandparents of Blakki (Danny Jackson and Lorea Julian) | |
| <input checked="" type="checkbox"/> Letters | | | |
| <input checked="" type="checkbox"/> Duties/Supp | | | |
| <input checked="" type="checkbox"/> Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| <input checked="" type="checkbox"/> Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| <input checked="" type="checkbox"/> UCCJEA | | <p>Reviewed by: skc</p> <p>Reviewed on: 6-3-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Yancy & Hall</p> | |
| Citation | | | |
| FTB Notice | | | |

SEE ADDITIONAL PAGES

Petitioner requests: The Court excuse her from giving notice to Theodor Yancy, father of Allias, as he has not been around for at least 5 years or more; and to Blakki A. Hall, Sr., father of Blakki Jr., as he has been absent from his son's life for the past two years and even though he knows where his son is and has been to Fresno 10 times, he never bother to see him.

Objection to Guardianship filed by Ashanti R. Jackson, mother, on 4/9/2013 states:

- She and her children's fathers are not incarcerated or dead;
- None of them were notified of this matter;
- Her children are unsafe with the person who petitioned for the guardianship;
- On 3/31/2012, her son, Allias Yancy, was asked at 10:00 p.m. to leave the Petitioner's home; she was not notified for over an hour and a half;
- The Petitioner kept her sons from her the entire time she was incarcerated; she was released on 3/24/2013;
- The Petitioner keeps leaving her text messages stating basically that she has to do what she says;
- She objects to the guardianship; her 15-year-old son does not want to be there;
- The Petitioner never served any of the parents any paperwork nor notified anyone of Court dates;
- She feels her children will be in great danger if left with the Petitioner;
- She is capable of taking care of her children;
- The Petitioner is a non-relative ; she has hit on her 15-year-old;
- When she did see her children, her 15-year-old had on dirty clothes and shoes with holes in them;
- Her 1-year-old stays ill and keeps a diaper rash [because of] Petitioner;
- On 4/8/2013, her 1-year-old was vomiting and the Petitioner took him to the day care instead of to the doctor to be taken care of;
- The Petitioner refuses phone calls from me, her son's fathers, and other family.

Examiner Notes For Objector:

1. **Need proof of service by mail of a copy of the *Objection to Guardianship* filed on 4/9/2013 for the following persons:**
 - Melvin Palms, Temporary Guardian;
 - Allias Yancy, minor (age 15);
 - Theodor Yancy, father;
 - Blakki A. Hall, Sr., father;

| | | | |
|--|----------------------|--|---------------------------------|
| Age: 3 | | TEMP EXPIRES 6-6-13 | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | KRISTI and SCOTT JACOBSEN , paternal grandmother and step-grandfather, are Petitioners. | |
| | | | |
| | | | |
| | | | |
| | Aff.Sub.Wit. | Father: DANIEL JOHNSON | |
| ✓ | Verified | - Personally served 4/09/13 | |
| | Inventory | | |
| | PTC | Mother: MADELINE KELLY | |
| | Not.Cred. | - Personally served 4/12/13 | |
| ✓ | Notice of Hrg | Paternal grandfather: BRIAN RICHIE | |
| | | - Served by mail 4/09/13 | |
| ✓ | Aff.Mail | Maternal grandfather: DONEGAN KELLY | |
| | Aff.Pub. | - Served by mail 4/09/13 | |
| | Sp.Ntc. | Maternal grandmother: MELISSA RUST | |
| ✓ | Pers.Serv. | - Served by mail 4/09/13 | |
| ✓ | Conf. Screen | Petitioners state neither parent has shown they are able or willing to provide for Aiden's needs. Madeline has put Aiden in dangerous situations. She has called Petitioners to pick him up from where she was with her pimp because he wasn't safe. Petitioners have had to leave their home and hide out because she said they were going to kill Aiden. She even now says she isn't safe in Fresno, yet she lives here. Daniel currently has a five-year restraining order against her. She hasn't seen Aiden in almost two years. Daniel left Aiden in Petitioners' care when he moved out in October 2012. Contact with him has been infrequent and he hasn't seen Aiden since February. | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| ✓ | CI Report | | |
| ✓ | Clearances | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| ✓ | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| Court Investigator Jo Ann Morris filed a report on 5-31-13. | | | |
| | | | Reviewed by: skc |
| | | | Reviewed on: 6-3-13 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 11 – Kelly-Johnson |

Petition to Determine Succession to Real Property (Prob. C. 13151)

| | | | |
|------------------------|----------------------|--|--|
| DOD: 02/06/2012 | | MARK B. HOLBROOK , son, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: 1. Petition appears to be a copy. Need original. 2. The Inventory and Appraisal appears to be a copy. Need original. 3. #9a(3) or #9a(4) of the petition was not answered regarding registered domestic partner. 4. Attachment 11 does not provide the decedent's interest in real property. 5. Attachment 14 does not include decedent's daughter Shelley Docimo. 6. Need Notice of Hearing. 7. Need proof of service on Petition to Determine Succession to Real property. 8. Order is incomplete. Need new order. |
| | | 40 days since DOD | |
| | | No other proceedings | |
| Cont. from | | | |
| | Aff.Sub.Wit. | I&A - \$55,000.00 | |
| ✓ | Verified | | |
| ✓ | Inventory | Will dated: 12/20/2008 devises the residence at 806 West Terrace, Fresno, Ca. pass to Mark Holbrook. | |
| | PTC | | |
| | Not.Cred. | | |
| | Notice of Hrg | x Petitioner requests Court determination that decedent's interest in real property located at 806 West Terrace, Fresno, Ca. pass to Mark Holbrook. | |
| | Aff.Mail | x | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: LV |
| | | | Reviewed on: 06/03/2013 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 12 – Ellis |

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Administrator)

First and Final Account and Report of Successor Administrator and Petition for Allowance of Ordinary Fees and for Distribution

| | | | |
|------------------------|----------------------|---|--|
| DOD: 10/10/2008 | | PUBLIC ADMINISTRATOR , Successor | NEEDS/PROBLEMS/COMMENTS: Note: Proposed order finds at Paragraph 5 on page 3 that Petitioner is authorized to pay his attorney \$3,269.29 for statutory fees; however, based upon the <i>Petition</i> and the other amounts to be distributed contained in the proposed order, Paragraph 5 has been completely stricken from the proposed order. |
| | | Administrator court-appointed on 1/11/2013, is Petitioner. | |
| | | | |
| | | | |
| Cont. from | | Account period: 1/11/2013 – 1/25/2013 | |
| | Aff.Sub.Wit. | Accounting - \$81,732.32 | |
| ✓ | Verified | Beginning POH - \$81,732.32 | |
| ✓ | Inventory | Ending POH - \$81,732.32 (\$5,732.32 cash) | |
| ✓ | PTC | | |
| ✓ | Not.Cred. | | |
| ✓ | Notice of Hrg | Administrator - \$1,000.00 (less than \$3,269.29 statutory) | |
| ✓ | Aff.Mail | Attorney - \$1,000.00 (less than statutory) | |
| | Aff.Pub. | | |
| ✓ | Sp.Ntc. | Former Attorney - \$2,855.52 (balance due Dowling Aaron for court-approved fees of \$1,500.00 of the statutory; XO fees of \$1,550.75, and costs of \$1,154.28 awarded 6/26/2012) | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | 013113 | |
| | Duties/Supp | | |
| | Objections | Costs - \$460.50 (filing fee, certified copies) | |
| | Video Receipt | | |
| | CI Report | Distribution pursuant to intestate succession is to: | |
| ✓ | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | SHERRY MEALER – real property, personal property and cash of \$416.30 . | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| ✓ | FTB Notice | | |
| | | | Reviewed by: LEG |
| | | | Reviewed on: 6/3/13 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 13 – Easley |